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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322,914 06/01/99 RIDER

M 8556-006

EXAMINER

001059 QM12/1113

BERESKIN AND PARR  
40 KING STREET WEST 40TH FLOOR  
P O BOX 401  
TORONTO ON M5H 3Y2  
CANADA

AIR MAIL

ASHBURN, S

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

11/13/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/322,914

Applicant(s)

RIDER ET AL.

Examiner

Steven L Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Preliminary Amendment***

2. The amendment filed 01 June 2000 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. The original application describes a system and facility for providing a large screen gaming system. It is limited to the technical aspects of the system including the system's description, components, user interfaces, and enclosure. The added material is a method for operating a commercial motion picture theater and is not supported by the original disclosure. Consequently the amendment is new matter and the applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As discussed above, claims 15-22 of the amendment filed

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01 June 2000 describe a method of operating a theater that is not disclosed in the original application and are therefore considered new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "The entertainment facility of claim 3 wherein said user stations are located at said seats". There is no entertainment facility described in claim 3, hence there is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "integrating the images from said game...". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "The method of claim 3 wherein said entertainment facility is a movie theater". There is no entertainment facility described in claim 3, hence there is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "...access to user station...." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1- 6, 8, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaaïj (U.S. Patent 6,056,640). The patent to Schaaïj describes a multi-player computer game displayed on a large screen including the following:

Claims 1-6:

- a. A plurality of user stations to control game characters with means to receive and communicate user inputs to a processor (figs. 2 & 3; col. 2, lines 12-20).
- b. User stations are located at seats (fig. 1).
- c. A computer for controlling the game system and receiving inputs from user stations (col. 1 lines 36-47).
- d. A visual display means consisting of a screen visible by all user (fig. 1; col. 3, lines 29-30).

The claims detail several features that are not explicitly described in the patent to Schaaïj but are inherent to the system. First, the claims specify software executed by a computer. The patent describes a computer for controlling the game system. Computers inherently execute software to accomplish their purpose. Hence, in this embodiment, the computer must execute software for a plurality of players to participate in a game. Second, the claims specify means to allow hundreds of users to participate in a game. The prior art does not limit the maximum number of participants. It can be seen in figure 1 that only the size and layout of the facility would limit the number of players. Consequently, the system can potentially accommodate hundreds of players. Third, the patent does not specify the use of a projector for displaying game

images. Regardless, projectors are the standard method in the art for displaying video images on large surfaces. Therefore it is assumed, unless otherwise specified, that the display is generated by projection.

Claim 8: As described above, game control is provided by a computer which is inherently software driven and therefore programmable.

Claim 12 & 14: A user interface that plays audio and can be a virtual reality system (fig. 3; col. 1, lines 59-62)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-11, 13 & 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaaij (U.S. Patent 6,056,640) in view of Chaum (U.S. Patent 5,959,717), in further view of Crudginton, Jr. (U.S. Patent 4,477,069). As described above, the patent to Schaaij describes a computerized game played in a single location by a large plurality of players and viewed on a large screen. The following list the aspects of the claims not taught by Schaaij:

- a. Using a movie theater for the facility (claims 7, 13 & 15).
- b. Operating games when the theater is not used for showing motion pictures (claims 15 & 20).

- c. Accepting and validating a user identification card for participation (claims 9, 10, 15 & 21).
- d. Debiting user accounts for participating in games (claims 17 & 22).
- e. Using Smart Cards as identification (claim 18).
- f. Maintaining a database of demographic information (claim 11).

The patent to Chaum describes a combination film and video projection system for theaters to provide copy protection, audience monitoring, and interactivity. Within this description he teaches that, when not showing film presentations, the system allows an audience to participate in a bingo-type or lottery-type game (col. 11, lines 41-61). Additionally, Chaum describes a method of collecting audience demographic data using the system (col. 1, lines 33-43; col. 9 line 65 – col. 10, line 32). In view of Chaum, the benefits of employing Schaaïj's game system at a movie theater to provide video games during idle times and collecting demographic data are readily apparent.

The patent to Crudgington Jr. describes a video game facility that allows multiple players to participate in a theater environment. This patent is notably similar to the claimed invention, however, it is differentiated by its emphasis on a specialized game facility vice a movie theater. One of the system's relevant features is the use of membership card readers at user stations to identify players, track credit balances, and record scores (col. 3, lines 35-41). Such cards are commonly used in the art to store a variety of user information including demographic data. In view of the patent to Crudgington Jr., it would be a natural to combine card readers with user stations described in Schaaïj for the purpose of identifying, charging, and tracking players. Furthermore, it would have been obvious to employ a more modern system such as Smart Cards.

It would have been obvious to one skilled in the art at the time of the invention to combine the system taught by Schaaij with a movie theater is described by Chaum using game facility aspects described by Crudgington, Jr. The resulting combination provides a movie theater the benefits of generating revenue during idle periods when movies are not screened and collecting demographic data of patrons.

### *Conclusion*

7. The following prior art is made of record and not relied upon is considered pertinent to applicant's disclosure.

FunPad ([www.FunPad.com](http://www.FunPad.com), 5/31/1999) is a handheld wireless system designed to entertain people while waiting at restaurants or anywhere they have idle time. Users can play solo or multi-player games and shop online. The unit comprises a touch screen, card reader, printer, and wireless network communications.

Multiple Participant Interactive Interface, Rice et al., U.S. Patent 5,973,672: Rice describes a multi-participant interactive theater system employing a large screen, projector, processor, and video detector. The system allows audience members to view a presentation and provide response by pointing light pens at selections on the screen.

Interactive Theater Network System, Ruybal et al., U.S. Patent 5,801,754: Ruybal describes a system for networking movie theater facility of distributed, interactive video presentations using full motion projectors.



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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven L Ashburn whose telephone number is 703 305 3543.

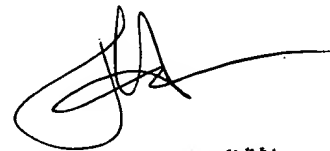
The examiner can normally be reached during standard business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703 308 4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 3590 for regular communications and 703 308 3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.



Steven Ashburn  
November 7, 2000



JESSICA J. HARRISON  
PRIMARY EXAMINER